UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,565	04/06/2000	Yoshio Ozawa	Q58573	7434

7590 03/18/2003

Sughrue Mion Zinn MacPeak & Seas
2100 Pennsylvania Avenue N W
Washington, DC 20037

EXAMINER
WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/544,565	OZAWA ET AL.	
	Examiner	Art Unit	
	Negussie Worku	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 April 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☒ Claim(s) *18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Negussie Worku

JEFFREY A. BRIER
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17, are rejected under 35 U.S.C. 102(b) as being unpatentable by Keiji Hashizume (USP 5,592,258).

With respect to claim 1, Hashizuma et al. discloses an image reading device (scanner shown in fig 1), comprising: a photo film (2 of fig 1) passageway for guiding and passing developed photo film, see (col.15, lines 40-44) ; a light source (light source 49 of fig 1), for illuminating an image in said photo film (2 of fig 1) positioned in said photo film passageway (from U1-U2 of fig 1, see col.15, lines 40-45); an image sensor (sensor 51 of fig 1), for reading said image being illuminated; a mask member, (negative mask member 31 of fig 18) secured to said photo film passageway, (as shown in fig 3 and 4), and on which said image is passed, see (col.16, lines 5--7); and a mask opening, (mask opening 32a of fig 18, see col.16, lines 24-26), formed in said mask member (31 of fig 18), for directing light from said light source (49 of fig 1), toward said photo film (film 2 of fig 1).

With respect to claim 2, Hashizuma et al. discloses an image reading device (as shown in fig 1), wherein said mask opening (31a of fig 18, see col.16, lines 24-26), is a mask slit extending in a width direction of said photo film, see (fig 18).

With respect to claim 3, Hashizuma et al. discloses an image reading device (as shown in fig 1), wherein said mask member (31 of fig 18, as also shown in fig 3 and 4) is removably secured to said photo film passageway, see (col.16, lines 5-3).

With respect to claim 4, Hashizuma et al. discloses an image reading device (as shown in fig 1), further comprising a photo film carrier (drive rollers 80a-80e of fig 3) having said photo film passageway, see (col.15, lines 40-45); wherein said photo film carrier includes a feed roller (drive rollers 80a-80e of fig 3) for conveying said photo film (2 of fig 1) in a longitudinal direction thereof, said image being read by said image sensor line (51 of fig 1) by line while said feed roller (drive rollers 80a-80e of fig 3) conveys said photo film (2 of fig 1).

With respect to claim 5, Hashizuma et al. discloses an image reading device (as shown in fig 3), further comprising a protrusion portion disposed on said mask member (31 of fig 18) to extend in said width direction of said photo film (2 of fig 1), provided with said mask slit (31a of fig 18) formed in a middle thereof for flexing said photo film

(2 of fig 1) in said longitudinal direction to remove flexing in said width direction ("W" width of fig 18).

With respect to claim 6, Hashizuma et al. discloses an image reading device (as shown in fig 1), wherein said photo film carrier (transport roller 80a-80e of fig 3) includes: a carrier base member (lower unit 8 of fig 3) disposed nearer to said light source, (light emitting 87a of fig 3) provided with said mask member (88a of fig 3) secured thereto, see col.26, lines 20-23), and having a carrier opening for introducing said light from said light source, see(col.26, lines 20-23); and a carrier cover member (upper unit 7 of fig 3, as a cover member) for covering said carrier base member (lower member of fig 3) at least partially, said photo film passageway being defined between said carrier cover member and said carrier base member, (when upper member or cover 7, and lower member 8, of fig 5, are closed each other photo film passageway is created, as shown in fig 3 and 4); further comprising a diffuse plate (99 of fig 36), secured to said carrier base member (on lower member 8 of fig 36), for diffusing said light directed from said light source (49 of fig 1) toward said mask member (88 of fig 3 and 4).

With respect to claim 7, Hashizuma et al. discloses an image reading device (as shown in fig 1), further comprising a passage (U1-U2, film passageway as shown in fig 1), recess formed in said mask member (88 of fig 3), extended to said photo film passageway for guiding said photo film (drive rollers 80a-80e of fig 3)..

With respect to claim 8, Hashizuma et al. discloses an image reading device (as shown in fig 1), wherein said protrusion (press roller 89a-89e of fig 3) portion comprises a cylindrical ridge, see (col.15, lines 25-26).

With respect to claim 9, Hashizuma et al. discloses an image reading device (as shown in fig 1), further comprising a retainer member (lower member 8 of fig 3, as retainer mask member) for removably retaining said mask member (31 of fig 19) to said carrier base member (lower member 8 of fig 3).

With respect to claim 10, Hashizuma et al. discloses an image reading device (as shown in fig 3), wherein said retainer member is secured to one of said diffuse plate (99 of fig 36) or said carrier base member (member 8 of fig 4) and said mask member (88 of fig 3), for retention by magnetic attraction of one portion of a remaining one of said diffuse plate or said carrier base member (8 of fig 3) and mask member (88 of fig 3).

With respect to claim 11, Hashizuma et al. discloses an image reading device (as shown in fig 1), wherein said retainer member (lower unit 8 of fig 3) comprises a portion for effecting retention with a click.

With respect to claim 12, Hashizuma et al. discloses an image reading device (as shown in fig 3 and 4), further comprising: at least one positioning hole (94b of fig 5)

formed in one of said carrier base member (lower unit 8 of fig 3 or 5) or said diffuse plate(99 of fig 36) and said mask member (88 of fig 3 and 4); and at least one positioning pin (94a of fig 5), disposed to protrude from a remaining one of said carrier base member (lower member 8 of fig 5) or said diffuse plate and said mask member (88 of fig 3 and 4) fitted in said positioning hole (94b of fig 5) for positioning said mask member on said carrier base member or said diffuse plate (99 of fig 36).

With respect to claim 13, Hashizuma et al. discloses an image reading device (as shown in fig 3 and 4), further comprising a retainer member for retaining said diffuse plate (99 of fig 36) removably to said carrier base member (lower unit 8 of fig 3).

With respect to claim 14, Hashizuma et al. discloses an image reading device (as shown in fig 3 and 4), further comprising a fastening member for immovably fastening said diffuse plate (99 of fig 36) to said carrier base member (lower unit 8 of fig 3), said fastening member being separable by external operation, and allowing removal of said diffuse plate (99 of fig 36).

With respect to claim 15, Hashizuma et al. discloses an image reading device (as shown in fig 4), wherein said light source (49 of fig 1) is disposed under said photo film passageway said diffuse plate (99 of fig 36) and said mask member (88 of fig 3) are

disposed to define a predetermined space therebetween, and dust on said photo film (film 2 of fig 4) is dropped into said space.

With respect to claim 16, Hashizuma et al. discloses an image reading device(as shown in fig 1 or 3 or 4), wherein said photo film (film 2 of fig 1) is a selected one of at least first and second types, see (col.18, lines 55-57); said mask member (88 of fig 3) is a selected one of at least first and second mask members associated with respectively said first and second types, see col.18, lines 55-58), and secured to said photo film passageway selectively (drive rollers 80a-80e of fig).

With respect to claim 17, Hashizuma et al. discloses an image reading device (as shown in fig 1), wherein said first and second types have widths different from one another, see col.16, lines 55-57), and said first and second types have said mask slit (mask opening 31a of fig 19) with a length different therebetween.

Objected Subject Matter

3. Claims 18, is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claim 18, the prior art does not disclose or show a control unit for obtaining contrasts of said first and second auto focus charts according to said first and

second pick-up information, for detecting abnormality in an orientation of said mask member on said carrier base member if said contrasts have a difference beyond a tolerable range with said pick-up lens set in-focus, and for generating an alarm signal.

2. Any inquiry concerning this communication or earlier communication from Examiner should be directed to Negussie Worku whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9am - 6pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, David Moore, can be reached on (703) 308-7452.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-5406, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Negussie Worku
03/ 06/ 003

JEROME GRANT II
PRIMARY EXAMINER